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Counsel for Defendant Veveros Montero

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA

No. CR 11-00557-001 RMW

Plaintiff,

V.

ADDEL VEVEROS MONTERO.

**STIPULATION AND []
ORDER REGARDING SENTENCE
REDUCTION UNDER U.S.S.G. § 1B1.1(b)
AND AMENDMENT 782**

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties acting through their respective counsel, that:

1. Defendant is making an unopposed motion for modification of his sentence pursuant to 18 U.S.C. § 3582(c)(2).

2 Defendant's original guideline calculation was as follows:

Total Offense Level: 20

Criminal History Category: I

Guideline Range: 87 to 108 months

1 Mandatory Minimum: 60 months

2 3. Defendant was sentenced to 72 months imprisonment on October 1, 2012.

3 4. According to the Bureau of Prisons, Defendant's current projected release date is January
4 1, 2017.

5 5. Effective November 1, 2014, this Court may order a modification in defendant's sentence
6 pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 782, to the
7 United States Sentencing Guidelines Manual.

8 6. Defendant's revised guideline calculation is as follows:

9 Total Offense Level: 27

10 Criminal History Category: I

11 Guideline Range: 70 to 87 months

12 Mandatory Minimum: 60 months

13 7. The parties have no reason to dispute the Sentence Reduction Investigation Report
14 submitted to the Court by the Probation Office.

15 8. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order
16 reducing Defendant's term of custody to 70 months, effective November 1, 2015.

17 9. The parties further stipulate that all other aspects of the original judgment order including
18 the length of term of supervised release, all conditions of supervision, fines, restitution,
19 and special assessment remain as previously imposed.

20 10. Defendant stipulates that he waives and does not request a hearing in this matter pursuant
21 to Fed. R. Crim. P. 43, 18 U.S.C. § 3582(c)(2), and *United States v. Booker*, 543 U.S. 220
22 (2005).

23 11. Defendant waives his right to appeal the district court's sentence.

12. Accordingly, the parties agree that an amended judgment in accordance with this
1
2 stipulation may be entered by the Court in pursuant to 18 U.S.C. § 3582(c) and USSG §
3
1B1.10(b)(1), Amendment 782 of the Sentencing Guidelines Manual. A Sentencing
4 Reduction Investigation Report and a proposed amended judgment will be submitted to
5 the Court.

6
7 IT IS SO STIPULATED.

8
9 February 3, 2015

/s/

10 DATED

11
12 MELINDA L. HAAG
13 United States Attorney
14 J. DOUGLAS WILSON
15 Assistant United States Attorney
16 Northern District of California

17
18 February 3, 2015

/s/

19 DATED

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21 STEVEN G. KALAR
22 Federal Public Defender
23 GABRIELA BISCHOF
24 Assistant Federal Public Defender
25 Northern District of California

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27
28 IT IS SO ORDERED.

HEI BFI

DATED

RONALD M. WHYTE
United States District Judge

